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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,830	05/22/2001	John Gregory Schroeder	AA471	8865

27752 7590 12/15/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/862,830

Applicant(s)

SCHROEDER ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed October 10, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9, 10, 12, 14, 16, 19, 20 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-10, 12, 14, 16, 19-20, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 12, 2004 has been entered.
2. Claims 1-3, 7, 9-10, 12, 14, 16, 19-20, 28 are pending.
3. The rejection of claims 1-3, 5-7, 9-10, 12-14, 16, 18-20, 22, 24, 26, 28-29 under 35 U.S.C. 103(a) as being unpatentable over Dea (US Patent No. 3,842,976) is withdrawn in view of applicants' amendment.
4. The rejection of claims 1, 5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Hawkins (US Patent No. 5,490,608) is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-3, 5-7, 9, 12-14, 16, 18-20, 22, 24 and 26 under 35 U.S.C. 103(a) as being unpatentable over Riordan (US Patent No. 6,105,812) is withdrawn in view of applicants' amendment.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3, 7, 9-10, 12, 14, 16, 19-20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrlich (US Patent No. 4,099,912).

Ehrlich teaches a plurality of separate units of different detergent composition components for washing laundry, the units being of tablet, envelope, packet, capsule or other container form having a weight of 5 to 30 grams and a volume of 4 to 20 milliliters (see abstract). In Figure 1, Ehrlich teaches a dispensing article for dispensing a plurality of units of detergent components. Ehrlich also teaches that the separate components include a heavy duty detergent composition, an enzyme presoak, a fabric softening composition or a bleach, in all of which various solid or liquid components can be conveniently separately packaged for admixture

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together of premeasured amounts in accordance with manufacturer's instructions so as to obtain the most desired effects under particular operating conditions (see col. 11, lines 42-56). Such compositions can be made with all of the component parts thereof separately packaged or packaged in subcombinations, as liquids (solutions or dispersions), powders or unitary solids. Preferably, such as a liquid is a nonionic detergent, a perfume, an aqueous solution of detergent, builder salt or other component or a mixture thereof (see col. 11, lines 56-65). In Example 3, Ehrlich teaches different detergent components wherein liquid or tacky components are packed in polyvinyl-alcohol-polyvinyl acetate copolymer water soluble thin film packets, readily disintegratable paper envelopes or gelatin capsules. The formulas of this example are packaged in cardboard dispensing cartons or plastic containers, wherein they are either intermixed or separately compartmented (see col. 14, line 55 to col. 15, line 35). Ehrlich also teaches that perfume is normally present in all of the tablets so as to increase the pleasant aroma of the product and all components employed (see col. 11, lines 56-65). Ehrlich, however, fails to specifically disclose perfume as the coordinated element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a plurality of separate units of different detergent composition wherein one unit may be a packet containing a liquid which may be a combination of nonionic surfactant and perfume, and another unit may be a tablet comprising perfume because the teachings of Ehrlich encompass these aspects.

9. Claims 1-3, 7, 9, 10, 12, 14, 16, 19-20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent No. 4,563,186), hereinafter "Flynn".

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Flynn teaches products useful for home laundering which incorporates a prespotter with a detergent and having one or more of the following separate functions: detergency, fabric softening, stain removal, bleaching, and bluing; with the advantage being that both the detergent and the prespotter are uniquely packaged together as one product (see abstract). See prespotter formula III at col. 8, lines 9-13 which is a liquid prespotter comprising perfume and detergent formula I at col. 10, lines 32-41, which is a liquid detergent/fabric softener comprising perfume. In Figure 17, Flynn illustrates a dual chambered container for housing the product (see col. 2, lines 55-57; Figure 17). It is understood that this dual chambered product is identified by a brand name. Flynn also teaches a method of laundering fabric in col. 1, line 51 to col. 2, line 11. Flynn, however, fails to disclose different compositions in separate chambers wherein at least one is a liquid composition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a package comprising a prespotter in one chamber and liquid detergent/fabric softener in the other chamber of the dual chamber because the teachings of Flynn encompass these aspects.

### ***Response to Applicants' Arguments***

10. Applicants' arguments filed on October 12, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Ehrlich, Applicants argue that Ehrlich does not teach each perfume as a coordinated element.

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The Examiner respectfully disagrees with the above arguments because Ehrlich teaches in col. 11, lines 56-65 that perfume is normally present in all of the tablets so as to increase the pleasant aroma of the product and all components employed. Ehrlich also teaches in col. 11, lines 56-65 that liquids like nonionic detergent, a perfume, an aqueous solution of detergent, builder salt or other component or a mixture thereof can be separately packaged for admixture together.

With respect to Flynn, Applicants argue that the Flynn does not teach or suggest a coordinated element which is perfume.

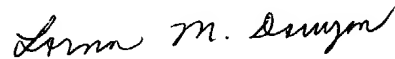
The Examiner respectfully disagrees with the above argument because Flynn in Formula III at col. 8, lines 9-13 teaches a liquid prespotter comprising perfume and a detergent formula I at col. 10, lines 32-41, which is a liquid detergent/fabric softener comprising perfume.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon  
Primary Examiner  
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